

The Texas Board of Chiropractic Examiners (Board) proposes new 22 TAC §72.19 (Requirement to Report a Conviction or Deferred Adjudication). This rulemaking simply moves the language in the current 22 TAC §72.18 (Criminal History) about reporting convictions and deferred adjudications into a stand-alone rule, making it easier for licensees and applicants to find the information. Other than this change, the provisions about a licensee's or applicant's criminal history remain the same.

The Board's Executive Director, Patrick Fortner, has determined that for the first five-year period the proposed new rule is in effect there will be no fiscal implications for state or local government. There will be no adverse effect on small businesses or rural communities, micro-businesses, or local or state employment. There will be no additional economic costs to persons required to comply with the new rule as proposed. An Economic Impact Statement and Regulatory Flexibility Analysis is not required because the proposed new rule will not have an adverse economic effect on small businesses or rural communities as defined in Texas Government Code §2006.001(1-a) and (2).

Mr. Fortner has determined that for each year of the first five years the proposed new rule will be in effect the public benefit is to make it easier for licensees and applicants to find the Board's requirements to report convictions and deferred adjudications.

The Board provides this Government Growth Impact Statement, pursuant to Texas Government Code §2001.0221, for the new 22 TAC §72.19. For each year of the first five years the proposed new rule is in effect, Mr. Fortner has determined:

- (1) The proposed new rule does not create or eliminate a government program.
- (2) Implementation of the proposed new rule does not require the creation of new employee positions or the elimination of existing employee positions.
- (3) Implementation of the proposed new rule does not require an increase or decrease in future legislative appropriations to the Board.
- (4) The proposed new rule does not require a decrease in fees paid to the Board.
- (5) The proposed new rule does not create a new regulation.
- (6) The proposal new rule amends an existing Board rules for an administrative process.
- (7) The proposed new rule does not decrease the number of individuals subject to the rule's applicability.
- (8) The proposed new rule does not positively or adversely affect the state economy.

Comments on the proposed new rule or a request for a public hearing may be submitted to Christopher Burnett, General Counsel, Texas Board of Chiropractic Examiners, 333 Guadalupe, Suite 3-825, Austin, Texas 78701, via email: [rules@tbce.state.tx.us](mailto:rules@tbce.state.tx.us); or fax: 512-305-6705, no later than 30 days from the date that this proposed new rule is published in the *Texas Register*. Please include the rule name and number in the subject line of any comments submitted by email.

The new rule is proposed under Texas Occupations Code §201.152 (which authorizes the Board to adopt rules necessary to perform the Board's duties and to regulate the practice of chiropractic), Texas Occupations Code §201.313 (which requires the Board to conduct criminal history checks on applicants for licensure), and Texas Occupations Code §53.22 (which requires the Board to consider an applicant's criminal background).

No other statutes or rules are affected by this proposed new rule.

<rule>

#### 72.19. Requirement to Report a Conviction or Deferred Adjudication.

- (a) An applicant shall disclose in writing to the Board any prior conviction or deferred adjudication (other than a Class C misdemeanor traffic violation) at the time of application.
- (b) An applicant or licensee shall disclose in writing to the Board any new conviction or deferred adjudication (other than a Class C misdemeanor traffic violation) no later than 30 days after the trial court's judgment.
- (c) An applicant or licensee shall submit certified copies of any indictment or information and the court's judgment to the Board.
- (d) On notification by an applicant or licensee of a new conviction or deferred adjudication, the Board may request the applicant or licensee explain in writing why the Board should not deny the application or take disciplinary action against the license.